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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,734	03/09/2001	Trudy D. Stetzler	TI-30668	7656
23494 7590 07/18/2007 TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			EXAMINER CORRIELUS, JEAN B	
			ART UNIT 2611	PAPER NUMBER
			NOTIFICATION DATE 07/18/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/802,734	Applicant(s) STETZLER ET AL.	
	Examiner Jean B Corrielus	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-9, 11, 14, 18, 23, 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 14, 18 and 23 is/are allowed.
- 6) ☒ Claim(s) 25 and 26 is/are rejected.
- 7) ☐ Claim(s) 6-9 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 6-9 and 27 are objected to because of the following informalities: Claim 6, line 22 and line 24, "receiving" should be replaced by "receiver" for consistency with antecedent in line 8. In addition, the limitations "the transmitter unit requesting the updated decoding algorithm when the updated decoding algorithm is not installed in the receiver unit" recited in lines 16-18 are not consistent with the subsequent limitations of "the receiving unit requesting the updated decoding algorithm when the updated decoding algorithm is not installed in the receiving unit" recited in lines 22-24.

"Claims 7-9, and 27 are likewise objected because of their dependency to an objected claim. Correction is required

2. The drawings are objected to because "D/A" should be replaced by "A/D", in fig.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

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Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The objection to the disclosure has been withdrawn.

Appropriate correction is required.

Response to Arguments

4. Applicant's arguments, see pages 12 -14, filed 5/25/07, with respect to 6, 11, and 18 have been fully considered and are persuasive. The 103 rejection of claims 6-9, 11, 14, 18 and 23 has been withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen US patent No. 6,671,292I in view of Herring US Patent Publication S/N US 2002/0001317A1.

Haartsen teaches a transmitter fig. 3 comprising a digitizer 312 (an A/D converter) responsive to analog input signals "IN", the digitizer 312 (A/D converter) providing a digital representation of the analog input signals "IN"; a format encoding unit 314 coupled to the digitizer 312 (A/D converter), the format encoding unit for controlling the encoding a transmission format of a broadcast transmission according to a transmission format encoding algorithm, wherein the transmission format encoding algorithm is updated see col. 9, line 58-col. 10, line 20. However, Haartsen fails to teach the further limitations of "an up-converter and power amplifier unit for processing signals from the format encoding unit in an updated transmission format and antenna for broadcasting signals from the up- converter and power amplifier unit" Herring teaches the further limitations of an up-converter 80 and power amplifier unit 100 for processing signals from the format encoding unit 30 and antenna 115 for broadcasting signals from the up- converter 80 and power amplifier unit 100. Given that fact, it would have been obvious to one skill in the art to incorporate such a teaching in Haartsen in order to shape the signal in a format suitable for high frequency transmission. Note that the output of the format encoding using includes an updated transmission format after upconversion and amplification the transmit signal would include an updated transmission format.

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen US patent No. 6,671,292I in view of Herring US Patent Publication S/N US 2002/0001317A1 and further in view of Davies et al US patent No. 6,646,993.

As applied to claim 25 above, Haartsen and Herring disclose every feature of the claimed invention but does not explicitly teach the further limitations of broadcasting the decoding algorithm and transmission format algorithms to a receiver unit of the digital radio. Davies et alt teaches the transmission of decoding algorithm and transmission format to a receiver see col. 3, lines 1-43. Given that fact, it would have been obvious to one skill in the art to incorporate such a teaching in Haartsen and Herring in order to provide the receiver with the enhance capability to demodulate and decode efficiently the received signal.

Response to Arguments

8. Applicant's arguments filed 5/25/07 have been fully considered but they are not persuasive. Applicant argues that Haartsen does not provide an update of the software to the receiver. However such feature of the invention is not recited in the claim. Applicant notes that in the response filed on 5/25/07, a replacement drawing correcting the typographical error is transmitted along with amendment B. However, such replacement drawing is not in the system. It is suggested that such paper be refiled.

Allowable Subject Matter

9. Claims 11, 14, 18 and 23 are allowed.

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10. Claims 6-9 and 27 would be allowable if amended to overcome the objection set forth above.

Conclusion

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Monday-Thursday from 9:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jean B Corrielus
Primary Examiner
Art Unit 2611

7-12-07